

Applicant : Ewald Guenther et al.
Serial No. : 10/065,254
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Attorney's Docket No.: 12406-102001 / P2002,0611 US
E1

REMARKS

In reply to the Office action of April 6, 2005, applicants submit the following remarks. Claims 1 and 2 have been amended. Applicants respectfully request reconsideration in view of the foregoing amendments and these remarks.

Section 102 Rejections

Claims 1, 14, 44 and 45 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by EP 0 910 228 ("Chuo-Ku"). The applicants respectfully disagree.

Amended claim 1 is directed to a device. The device has a substrate, a cap and spacer particles. The spacer particles have a base and an upper portion. The base has a first surface adjacent to the substrate, the first surface having a first width. The first width is wider than the upper portion.

Chou-Ku describes spacers 4 that are round or spherical (Figs. 1-3). Chou-Ku does not describe a spacer particle that has a base with a first surface adjacent to a substrate, the first surface having a first width, the first width being wider than the upper portion. For at least this reason, the applicants submit that Chou-Ku does not anticipate claim 1.

Allowable Subject Matter and Comments on Statement of Reasons for Allowance

The applicants thank the Examiner for finding claims 2-13, 15-21 and 43 merely objected to. Claim 2 has been amended to incorporate the limitations of claim 1, with a change in that the base of the spacer particle is wider than the upper portion and the spacer particles have a non-spherical shape.

Because claim 1 as amended is not anticipated by Chou-Ku and claim 2 has been amended to be in independent form, the applicants submit that claims 3-13, 14-21 and 43, as well as 14, 44 and 45, are allowable over Chou-Ku.

Claims 46-48 were allowed. The applicants note that reasons in addition to those provided by the Examiner may exist that make these claims allowable over the applied reference.

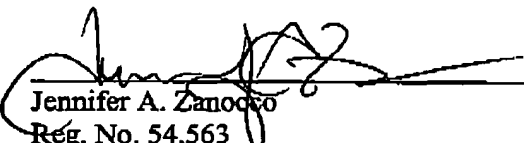
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Respectfully submitted,

Date: August 8, 2005


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